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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,261	06/23/2000	Uwe Hansmann	DE9-1999-0047-US1	9323

7590 11/12/2004
Anne Vachon Dougherty
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EXAMINER

COURTENAY III, ST JOHN

ART UNIT PAPER NUMBER

2126

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,261

Applicant(s)

HANSMANN ET AL.

Examiner

St. John Courtenay III

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

ST. JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

Applicant argues:

"Specifically, none of the cited patents teaches or suggests that a user have a token comprising a user specific identifying attribute for establishing access to user customized applications and for communicating with a data processing device to configure the user customized applications."

Applicant has amended independent claims 1, 17 and 31 accordingly to add the new limitations of a user-specific attribute and user-customized software.

New Grounds of Rejection

Applicant's remarks have been considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments to the claims. New grounds of rejection under *35 U.S.C. §103* are set forth below:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 17, 27, 28, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent 6,260,078) in view of Chen et al. (U.S. Patent 5,784,463).

Fowlow discloses the invention substantially as claimed:

In regard to Claim 1, Fowlow teaches the following:

(a) a token comprising a non-volatile memory (column 16, lines 35-38 and Column 15, lines 37-48). The computer apparatus for use in acquiring applet code is interpreted to be the token in this case. The token storing at least one unique software attribute, each attribute being provided to call up at least one software ("class name" as specified in Column 13, lines 20-21) comprising one of the application identified by the attribute and software components to form the application. In this case, the classes downloaded from the class server comprise software components to form an applet application. The token further containing a volatile memory (column 15, lines 36-37), and a processor (Column 15, lines 33-34); (b) an apparatus for establishing communications between the token and data-processing device (column 16, lines 43-47); and (c) a data-processing device comprising applications or software components (Column 16, lines 48-51), a register for registering software (Column 11, lines 47-51), and a communications agent (column 16, lines 43-47).

In regard to Claim 9, Fowlow teaches registering software names on a naming service for client lookup purposes. A table or a database is a well-known method of storing data for future retrieval; the use of a database would have been obvious to one of ordinary skill in the art since a table or database allows for organized data, and fast retrieval.

In regard to Claim 17, Fowlow teaches the following: (a) establishing a communications between the token and data-processing device (Figure 4, item 406); (b) reading the unique application identifying data stored in the token to enable an agent to build and start a given application, each attribute being provided to call up at least one software comprising one of an application identified by the attribute and software components to form the application (column 13 lines 20-21). The class name attribute is unique for each class loaded, and in this case, the classes downloaded from the class server comprise software

components to form an applet application; (c) determining whether the software is available at the data-processing device using the identifying data to form the application identified by the attribute (Figure 5, items 502, 506, and 508); and (d) loading the software when found on the processing device (Figure 5, items 504, 512, and 514).

For specific rejections of claims 27, 28, and 30 under Follow, see the office action mailed on July 16, 2003.

Claim 31 is a device claim that corresponds with method Claim 17 and is rejected for the same reasons as Claim 17, where Fowlow teaches a device for carrying out the method of Claim 17 (Figure 2).

However, **Fowlow** does not *explicitly* teach the following additional limitations:

Chen teaches a user has a token comprising a user specific identifying attribute for establishing access to user customized applications and for communicating with a data processing device to configure the user customized applications [e.g., see "user identification code" col. 5, line 14, and configuration of user entitlements, col. 2, lines 35-43, see also configuration step 390, fig. 4, col. 6, line 18, see also reconfiguration col. 6, line 2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Fowlow** by implementing the improvements detailed above because it would provide **Fowlow's** system with the enhanced capability of "an improved system and method of configuring user entitlements for use in connection with a shared secret key application level security system which enables a user with a valid token to be able to communicate securely from any location and from a variety of systems while allowing dynamic change of system configuration based on user entitlements." [e.g., see col. 2, discussion beginning line 35].

Claims 2-8, 18, 21-23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Chen et al. (U.S. Patent 5,784,463), and further in view of Powers (U.S. Patent Number 5,521,362).

For specific rejections of Claims 2, 4-8, 18, 21-23, and 29 see the office action mailed on July 16, 2003.

In regard to Claim 3, Powers teaches a chip card, which is a portable data-processing device (Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build the apparatus of Claim 1, as taught by Fowlow, where the token is a portable data-processing device, as taught by Powers, since this allows a smaller, more portable version of the token taught in Claim 1.

Claims 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Chen et al. (U.S. Patent 5,784,463), and further in view of Wallace et al. (U.S. Patent Number 6,262,791).

For specific rejections of claims 10- 13 and 15 see the office action mailed on July 16, 2003.

Claims 14 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Chen et al. (U.S. Patent 5,784,463), and further in view of Powers (U.S. Patent Number 5,521,362) and further in view of Wallace et al. (U.S. Patent Number 6,262,791) and Perlman et al. (U.S. Patent Number 6,023,585).

For specific rejections of claims 14 and 26, see the office action mailed on July 16, 2003.

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Claims 24 and 25 are method claims that correspond to limitations that have already been addressed in the rejection of method claim 14, and Claims 24 and 25 are rejected for the same reasons as Claim 14, where Fowlow teaches a method of the apparatus of Claim 14 (Figure 4).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Chen et al. (U.S. Patent 5,784,463), and further in view of Powers (U.S. Patent Number 5,521,362) and further in view of DiGiorgio (U.S. Patent Number 6,385,729).

For specific rejections of Claim 16 see the office action mailed on July 16, 2003.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow (U.S. Patent Number 6,260,078) in view of Chen et al. (U.S. Patent 5,784,463), and further in view of Wallace et al. (U.S. Patent Number 6,262,791) and further in view of DiGiorgio (U.S. Patent Number 6,385,729).

For the basis of the rejection of Claims 19 and 20 under DiGiorgio, see the office action mailed on July 16, 2003.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See **MPEP § 706.07(a)**. Applicant is reminded of the extension of time policy as set forth in **37 CFR 1.136(a)**.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to **37 CFR 1.136(a)** will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, J.D., M.B.A., whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
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Patent Customers advised to FAX communications to the USPTO

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:

NEW PTO CENTRAL FAX NUMBER:

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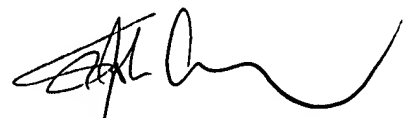
703-872-9306

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:

Technical Center 2100 CUSTOMER SERVICE: 703 306-5631

The Manual of Patent Examining Procedure (MPEP) is available online at:
<http://www.uspto.gov/web/offices/pac/mpep/index.html>



ST. JOHN COURTENAY
PRIMARY EXAMINER